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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6 DAVID ALFRED ROWELL,

7 Plaintiff,

8 v.

9 RYAN SWIMBURNSON, ANITA
10 PETRA, CARRIE RUNGE and ERIC
HSU,

11 Defendants.

NO: 4:19-CV-5080-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

12 On April 22, 2019, Plaintiff filed a *pro se* civil rights complaint pursuant to
13 42 U.S.C. § 1983 while incarcerated at the Benton County Jail. He is now
14 incarcerated at the Washington Corrections Center at Shelton, Washington.

15 Plaintiff sought leave to proceed *in forma pauperis*. ECF No. 2. Plaintiff,
16 however, did not comply with 28 U.S.C. § 1915(a)(2), which requires a prisoner
17 seeking to bring a civil action without prepayment of the filing fee to submit a
18 certified copy of his trust fund account statement (or institutional equivalent) for the
19 **six months** immediately preceding the filing of the complaint. Although Plaintiff
20 had been incarcerated at the Benton County Jail since September 20, 2018, *see* ECF

1 No. 1 at 7, he did not supply a statement of his inmate account for the six-month
2 period preceding April 22, 2019.

3 By letter dated April 22, 2019, the Clerk of Court advised Plaintiff of this
4 deficiency and asked him to remedy it. He did not do so. Instead, Plaintiff submitted
5 a second application to proceed *in forma pauperis* on May 8, 2019, ECF No. 7, and
6 various motions on May 20 and 30, 2019, ECF Nos. 9-11.

7 On June 17, 2019, this Court ordered Plaintiff to submit a certified copy of his
8 six-month inmate trust account statement (or institutional equivalent) for the period
9 immediately preceding April 22, 2019, from the Benton County Jail, within **21 days**
10 of the date of this Order. In the alternative, Plaintiff was advised that he could pay
11 the full \$400.00 filing fee. Plaintiff was advised that his failure to do so would result
12 in the dismissal of this case. Plaintiff has neither paid the filing fee nor supplied the
13 six-month inmate trust account statement (or institutional equivalent) by the due
14 date, July 8, 2019.

15 Accordingly, **IT IS HEREBY ORDERED:**

- 16 1. This action is **DISMISSED** without prejudice for failure to comply with the
17 filing fee or in forma pauperis requirements of 28 U.S.C. §§ 1914 and 1915.
18 2. All pending motions are **DENIED** as moot.

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1 3. The Court certifies any appeal of this dismissal would not be taken in good
2 faith.

3 The Clerk of Court is directed to enter this Order, enter judgment, forward a copy
4 to Plaintiff and **close** the file.

5 **DATED** June 17, 2019.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge